

House Amendment to  
Senate File 220

S-5157

1 Amend Senate File 220, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and  
4 inserting:

5 <Section 1. Section 321.1, Code 2018, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 06B. *"Automated traffic law enforcement*  
8 *system"* means a device used for the enforcement of laws  
9 regulating vehicular traffic and equipped with one or more  
10 sensors working in conjunction with one of the following:  
11 *a.* An official traffic-control signal, to produce recorded  
12 images of motor vehicles entering an intersection against a red  
13 signal light.

14 *b.* A speed measuring device, to produce recorded images of  
15 motor vehicles traveling at a prohibited rate of speed.

16 *c.* A railroad grade crossing signal light, as described in  
17 section 321.342, to produce recorded images of motor vehicles  
18 violating the signal light.

19 *d.* Any official traffic-control device, if failure to comply  
20 with the official traffic-control device constitutes a moving  
21 violation under this chapter.

22 Sec. 2. NEW SECTION. 321.492C **Automated traffic law**  
23 **enforcement systems.**

24 1. The department shall not place, operate, maintain,  
25 or employ the use of any automated traffic law enforcement  
26 system. The department shall not cause to be placed any  
27 automated traffic law enforcement system except as provided in  
28 this section or in rules adopted by the department under this  
29 section.

30 2. *a.* A local authority, or another entity on a local  
31 authority's behalf, shall not operate an automated traffic law  
32 enforcement system without approving the use of the system  
33 following an established self-certification process. The  
34 self-certification process shall include a justification report  
35 meeting the requirements of paragraph "b", which shall be

1 made readily available for the public to review, and a public  
2 hearing at which the local authority shall provide evidence  
3 of a demonstrated safety need for the automated traffic law  
4 enforcement system. Notice of the date, time, and place of  
5 the hearing shall be published in the manner described in  
6 section 362.3. A public hearing may address several locations  
7 at which a local authority intends to place an automated  
8 traffic law enforcement system. However, a local authority  
9 shall adopt an ordinance approving the use of an automated  
10 traffic law enforcement system for each location at which the  
11 local authority operates a fixed or mobile automated traffic  
12 law enforcement system. A local authority may approve the  
13 operation of an automated traffic law enforcement system  
14 only if the system is located in a documented high-crash or  
15 high-risk location at which there is a demonstrated safety  
16 need for the system. The local authority shall demonstrate  
17 the safety need for the system based on the volume of traffic,  
18 the history of motor vehicle accidents, the frequency and type  
19 of traffic violations, the risk to peace officers employing  
20 traditional traffic enforcement methods, any additional  
21 information required in the justification report, and any other  
22 safety criteria deemed appropriate by the local authority.  
23 These requirements shall apply for each location at which a  
24 local authority, or another entity on a local authority's  
25 behalf, operates a fixed or mobile automated traffic law  
26 enforcement system. However, any area located within a road  
27 work zone or school district, as those terms are defined in  
28 section 321.1, shall be presumed to be a high-risk location at  
29 which there is a demonstrated safety need for a system.

30 *b.* A justification report shall provide all necessary  
31 information and documentation to demonstrate whether an area is  
32 a high-crash or high-risk location and shall include but not be  
33 limited to documentation regarding all the following:

34 (1) Existing traffic speeds, posted speed limits,  
35 traffic volumes, and intersection or roadway geometry. Such

1 documentation shall provide assurance that existing speed  
2 limits and official traffic-control signal timings are  
3 appropriate and shall describe how the limits and timings were  
4 established.

5 (2) The applicable motor vehicle accident history, the  
6 primary accident types, accident causes, accident severity, and  
7 the history of any related traffic violations. Only accidents  
8 attributable to violating the speed limit or an official  
9 traffic-control signal shall be included in this report. Such  
10 documentation shall compare accident data with data from other  
11 similar locations within the local authority's jurisdiction,  
12 other similar jurisdictions, and larger metropolitan areas.

13 (3) The identification of critical traffic safety issues  
14 related to the data required by subparagraphs (1) and (2),  
15 including a comprehensive list of solutions that may address  
16 the critical traffic safety issues.

17 (4) Solutions or safety countermeasures that the local  
18 authority has implemented along with those that the local  
19 authority has considered but not implemented. These may  
20 include solutions relating to law enforcement, engineering,  
21 public education campaigns, or other safety countermeasures.

22 (5) Discussions held and actions taken by the local  
23 authority with any partnering entities that have resources  
24 which could aid in the reduction of accidents attributable  
25 to violating the speed limit or an official traffic-control  
26 signal.

27 (6) The reason or reasons the local authority believes an  
28 automated traffic law enforcement system is the best solution  
29 to address the critical traffic safety issues.

30 *c.* A local authority, or another entity on a local  
31 authority's behalf, shall not operate an automated traffic law  
32 enforcement system without posting signage meeting all of the  
33 following requirements:

34 (1) For a fixed automated traffic law enforcement system,  
35 permanent signs advising drivers that the system is in place

1 shall be posted in clear and present view of passing drivers in  
2 advance of the location where the system is in use.

3 (2) For a mobile automated traffic law enforcement system,  
4 temporary or permanent signs advising drivers that the system  
5 is in place shall be posted in clear and present view of  
6 passing drivers in advance of the location where the system is  
7 in use.

8 (3) The signage conforms to the manual on uniform  
9 traffic-control devices as adopted by the department.

10 *d.* A local authority, or another entity on a local  
11 authority's behalf, shall not issue a citation resulting from  
12 the use of an automated traffic law enforcement system until  
13 an active peace officer of the local authority has reviewed  
14 the citation and any relevant recorded images produced by the  
15 system.

16 *e.* The amount of the fine or civil penalty imposed by a  
17 citation resulting from the use of an automated traffic law  
18 enforcement system shall not exceed the amount of the fine for  
19 a scheduled violation under section 805.8A for the same or a  
20 similar violation of this chapter.

21 *f.* An automated traffic law enforcement system working  
22 in conjunction with a speed measuring device or official  
23 traffic-control signal shall comply with the generally accepted  
24 procedures for operating the system. An automated traffic law  
25 enforcement system shall verify its internal calibrations on a  
26 daily basis. If the daily internal calibration is not valid,  
27 the system shall not operate until a successful calibration  
28 is subsequently conducted. In addition to the daily internal  
29 calibration, a monthly calibration shall be conducted by a  
30 person trained in the calibration of the system. A person  
31 trained in the calibration of a mobile automated traffic law  
32 enforcement system shall also conduct a calibration prior to  
33 the use of the mobile system after any change in location.  
34 A local authority, or another entity on a local authority's  
35 behalf, operating an automated traffic law enforcement

1 system shall maintain a monthly log detailing whether the  
2 local authority or entity successfully performed the daily  
3 and monthly calibrations. The log and documentation of the  
4 calibrations shall be admissible in any court proceeding  
5 relating to an official traffic-control signal violation  
6 pursuant to section 321.257 or a speed limit violation pursuant  
7 to section 321.285.

8 *g.* A local authority shall maintain or compile records  
9 relating to the number of traffic violations and number  
10 of traffic accidents for all locations at which the local  
11 authority, or another entity on a local authority's behalf,  
12 operates or intends to operate an automated traffic law  
13 enforcement system. Such records shall be maintained or  
14 compiled by the local authority for one year prior to the  
15 installation of the automated traffic law enforcement system  
16 and for each year the automated traffic law enforcement  
17 system is in operation. Such records shall be available for  
18 examination to the same extent allowed in section 22.2. A  
19 local authority with an automated traffic law enforcement  
20 system operating within its jurisdiction shall file an annual  
21 report with the general assembly on or before December 31 of  
22 each year detailing the effectiveness of each automated traffic  
23 law enforcement system operating within its jurisdiction. An  
24 annual report shall include the justification report described  
25 in paragraph "b" and shall also include but not be limited to  
26 information relating to increases or decreases in the number of  
27 speed limit violations, violations of official traffic-control  
28 signals, and traffic accidents.

29 *h.* Prior to a local authority placing an automated traffic  
30 law enforcement system on a primary road, the local authority  
31 shall obtain approval from the department in accordance  
32 with rules adopted by the department. A local authority  
33 shall submit to the department any information requested by  
34 the department during the approval process. If the local  
35 authority's use of the system is approved by the department,

1 the local authority shall follow the requirements set forth  
2 in rules adopted by the department. The department may  
3 modify its rules relating to automated traffic law enforcement  
4 systems to the extent necessary to ensure automated traffic  
5 law enforcement systems are operated in a safe and equitable  
6 manner. This paragraph "h" shall not apply to an automated  
7 traffic law enforcement system approved or allowed to operate  
8 in accordance with rules adopted by the department and in  
9 operation prior to January 1, 2017. A local authority may  
10 continue to operate such a system in the same manner as the  
11 system was operated prior to January 1, 2017. However, after a  
12 local authority discontinues operation of such a system, any  
13 new manner of operation or new system operated by the local  
14 authority shall comply with this paragraph "h". The department  
15 shall have the authority to annually review all automated  
16 traffic law enforcement systems placed on primary roads and  
17 shall have the authority to require removal or modification of  
18 such systems.

19 *i.* A local authority shall designate a process by which  
20 a person may appeal a citation issued through the use of an  
21 automated traffic law enforcement system, which at a minimum  
22 shall provide for all of the following:

23 (1) An appeal to an impartial body created by the local  
24 authority to review citations issued through the use of  
25 automated traffic law enforcement systems.

26 (2) Following a decision from the impartial body that is  
27 adverse to the person, an appeal to the district court, sitting  
28 in small claims, of the county in which the local authority is  
29 located.

30 *j.* (1) A local authority shall authorize a petition process  
31 by which citizens within the local authority may petition for  
32 the removal of a fixed automated traffic law enforcement system  
33 or the disapproval of a location approved for the use of mobile  
34 automated traffic law enforcement systems in accordance with  
35 this section. Petitions under this paragraph "j" shall be

1 specific to one fixed system or one location approved for the  
2 use of mobile systems.

3 (2) If the local authority is a city, a petition brought  
4 under this paragraph "j" is valid if it is signed by a number  
5 of eligible electors of the city equal to or greater than ten  
6 percent of the number of persons who voted in the last regular  
7 city election. The petition shall include the signatures of  
8 the petitioners, the places of residence of the petitioners,  
9 and the date on which the petitioners signed the petition.

10 (3) If the local authority is a county, a petition brought  
11 under this paragraph "j" is valid if it is signed by a number  
12 of eligible electors of the county equal to or greater than  
13 ten percent of the number of votes cast in the county in the  
14 last presidential election. The petition shall include the  
15 signatures of the petitioners, the places of residence of the  
16 petitioners, and the date on which the petitioners signed the  
17 petition.

18 (4) If a petition is valid as provided in this paragraph  
19 "j", the city council or county board of supervisors, as  
20 applicable, shall vote on whether to repeal the ordinance  
21 allowing the operation of the fixed system or approving the  
22 location for the use of mobile systems.

23 (5) If a city council or county board of supervisors has  
24 voted pursuant to subparagraph (4), a new petition for the same  
25 fixed system or the same location approved for use of mobile  
26 systems shall not be valid for three years after the date of  
27 the vote.

28 *k.* A local authority that operates an automated traffic  
29 law enforcement system in violation of this section shall be  
30 precluded from operating any automated traffic law enforcement  
31 system for a period of two years. A citizen residing within  
32 the jurisdiction of a local authority which violates this  
33 section shall be allowed to file suit to enjoin the local  
34 authority from operating an automated traffic law enforcement  
35 system in accordance with this paragraph "k".

1     3. All moneys collected by a local authority from citations  
2 issued as a result of the use of an automated traffic law  
3 enforcement system, less the amount necessary for the  
4 installation, operation, and maintenance of the automated  
5 traffic law enforcement system, shall be deposited in the  
6 account or accounts maintained by the local authority for  
7 moneys appropriated to the local authority from the secondary  
8 road fund or street construction fund of the cities, or shall  
9 be deposited in any account and used for the purposes of public  
10 safety. This subsection shall not apply to moneys collected  
11 for court costs or other associated costs, the criminal penalty  
12 surcharge required by section 911.1, or the county enforcement  
13 surcharge required by section 911.4, as applicable.>

14     2. Title page, line 2, by striking <and providing a penalty>  
15 and inserting <including systems in road work zones and school  
16 districts, and providing penalties>